

Notice of Allowability

Application No.

09/975,456

Examiner

Nashaat T. Nashed, Ph. D.

Applicant(s)

LAZDUNSKI ET AL.

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

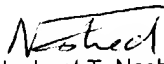
1. ☒ This communication is responsive to 6/14/04.
2. ☒ The allowed claim(s) is/are 1 and 11.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Nashaat T. Nashed, Ph. D.
Primary Examiner
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A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 14, 2004 has been entered.

The application has been amended as requested in the communication filed June 14, 2004. Accordingly, claim 1 has been amended, and claims 2-10, and 14-19 have been canceled.

Claims 1 and 11-13 are pending and under consideration.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with T. Daniel Christenbury on June 22, 2004.

The application has been amended as follows:

(i) In the claims:

(1) Rewrite claim 11:

Claim 11. A ~~[pharmaceutical]~~ composition comprising ~~[as an active agent at least one protein]~~ sPLA₂ according to Claim 1 ~~[or a derivative thereof]~~ and a pharmaceutical carrier.

(2) Cancel claims 12 and 13.

(ii) In the specification on page 3, substitute the Figure description of Figure 1 with the following:

-----Fig. 1 represents the alignment of the amino acid sequences of human sPLA₂s. Sequences of full-length sPLA₂ proteins: hGIB (SEQ ID NO: 5), hGIIA (SEQ ID NO: 6), hGIID (SEQ ID NO: 7), hGIIIE (SEQ ID NO: 8), hGIIF (SEQ ID NO: 2), hGV (SEQ ID NO: 9), and hGX (SEQ ID NO: 10) are shown. A consensus sequence for the 7 sequences of groups I/II/V/X human sPLA₂s is presented.-----

(iii) In the specification on page 4, substitute the Figure description of Figure 3 with the following:

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----- Fig. 3 represents the tissue distribution of the human sPLA₂s: hGIB (SEQ ID NO: 5), hGIIA (SEQ ID NO: 6), hGIID (SEQ ID NO: 7), hGIIF (SEQ ID NO: 2), hGV (SEQ ID NO: 9), hGX (SEQ ID NO: 10), hGIIL, and GAPDH, as determined by RT-PCR on human adult cDNA panels. The amplified products were analyzed by Southern blot as described in materials and methods. No amplification was observed when cDNA was omitted in the PCR reaction (control lane).-----

Claims 1 and 11 are allowed.

The following is an examiner's statement of reasons for allowance: The amendment of claim 1 obviated the prior art rejection of record because the prior art of record does not anticipate or render obvious the specific amino acid sequence of SEQ ID NO: 2 which is a fragment of SEQ ID NO: 2 taught by Das *et al.*

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nashaat T. Nashed, Ph. D. whose telephone number is 571-272-0934. The examiner can normally be reached on MTTF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy can be reached on 571-272-0928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nashaat T. Nashed, Ph. D.
Primary Examiner
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